

### **REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

The present claim amendments remove the language which was objected to in the section of the Official Action bridging pages 2 and 3. Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

As a preface to discussing the prior art rejections, the following general overview is provided of features and operational characteristics associated with a fuel cell according to at least one embodiment described and illustrated in the present application. As illustrated in Figs. 15 to 26, a used fuel storing tank 40 and a fuel storing tank 10 are positioned such that a space exists between them, and a feed 40a comprising a porous body or a fiber bundle having capillary force is disposed in the space. As discussed in lines 1-3 of page 83 and as illustrated in Figs. 15 and 16, a used fuel occlusion body 41 is disposed inside the used fuel storing tank 40 in contact with a lower part of the feed 40a. Used fuel can therefore be totally occluded into the used fuel occlusion body 41.

Turning now to the prior art rejections, independent Claims 145, 151, 157 and 165 are each rejected as being unpatentable over the disclosures in U.S. Application Publication No. 2004/0072049, hereinafter Becerra, U.S. Patent No. 6,506,513, hereinafter Yonetsu, and U.S. Patent No. 5,364,711, hereinafter Yamada.

Claims 145, 151, 157 and 165, as amended, each recite a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing

tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, wherein a space exists between the used fuel storing tank and the liquid fuel storing tank and a feed comprising a porous body or a fiber bundle having capillary force is disposed in the space between the used fuel tank and the liquid fuel storing tank.

Becerra discloses a fuel container in which a flexible bladder for a liquid fuel and a flexible bladder for effluent are included in a container as illustrated in Fig. 13. The two bladders are adjacent without a space in between them. Moreover, even assuming for the sake of discussion that it is possible for a space to exist between them, for example, by emptying or removing the bladders, it is quite clear that there would not be a feed comprising a porous body or a fiber bundle having capillary force disposed in such a space, as recited in Claim 145, 151, 157 or 165, in combination with the other features recited in Claim 145, 151, 157 or 165. Moreover, neither Yamada nor Yonetsu cure these deficiencies in Becerra.

In light of the foregoing, it is quite clear that independent Claims 145, 151, 157 and 165, as presently amended, are allowable over the disclosures in Becerra, Yonetsu and Yamada. Withdrawal of the rejections of those claims is therefore respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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